

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CHRISTOPHER WEIRUP, #12009-030,
Petitioner,

Case No. 07-10672
Hon. Anna Diggs Taylor

v.

L.C. EICHENLAUB,
Respondent,

_____ /

ORDER DENYING PETITIONER’S MOTION TO COMPEL [D/E 22]

On February 15, 2007, Petitioner filed a Writ of Habeas Corpus challenging the decision of the Federal Bureau of Prisons (the “Bureau”) not to transfer him to a residential re-entry center (“RRC”) until the last ten percent or six months of his sentence. On August 7, 2007, this court granted Petitioner’s habeas corpus petition and directed the Bureau to consider whether Petitioner is eligible for transfer to an RRC. The Bureau was instructed to make a good faith effort to consider the factors in 18 U.S.C. §3621(b) without reference to 28 C.F.R. §§570.20 and 570.21. On November 15, 2007, Petitioner filed a motion to compel Respondent’s to follow the court’s original order arguing that the a review under 18 U.S.C. §3621(b) had not been completed as ordered.

After a careful review of the record, Petitioner’s motion to compel must be denied. Respondent indicates that Petitioner was considered for placement in a RRC in accordance with 18 U.S.C. §3621(b). Based on the factors considered, it was determined that Petitioner was ineligible for such placement. Further, on February 8, 2008, Bureau of Prison’s Unit Manager Reida Esquibel provided a signed declaration attesting to the fact that she again reviewed Petitioner’s custody level to determine whether he was appropriate for housing in the community. She provides that this review was also conducted in compliance with this Court’s original order to consider his placement

in accordance with 18 U.S.C. §3621(b), without reference to 28 C.F.R. §§570.20 and 570.21. It was again determined that Petitioner was ineligible for RRC placement.

Petitioner's motion to compel must be denied as this court's order dated August 7, 2007, has been complied with in its entirety.

For the foregoing reasons,

IT IS ORDERED that Petitioner's motion to compel is DENIED.

IT IS SO ORDERED.

DATED: March 27, 2008

s/Anna Diggs Taylor
ANNA DIGGS TAYLOR
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail disclosed on the Notice of Electronic Filing on March 27, 2008.

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s/Johnetta M. Curry-Williams
Case Manager